

**U.S. Department of Justice**  
Immigration and Naturalization Service

HQ 70/6.2.8  
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Washington, DC 20536

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Dated 2/13/01  
Signed by Thomas Cook

MEMORANDUM FOR: All Regional Directors  
All Service Center Directors  
Director, Administrative Appeals Office

FROM: Thomas Cook  
Acting Assistant Commissioner  
For Adjudications

SUBJECT: L-1 Blanket Petitions

The purpose of this memorandum is to provide information about the L-1 Blanket Petition process to officers involved in the inspection of L-1 nonimmigrant aliens.

**Background**

The Immigration and Naturalization Service (the Service) created the current L-1 Blanket Petition process through regulations published in 1987 in order to accommodate the needs of large businesses that desired to transfer key personnel to the United States. The current process involves two separate steps and relies heavily on coordination between the Department of State and the Service. This memorandum describes each of the two steps in more detail.

**Description of the Blanket Petition Process-Adjudication of the Form I-129**

The first step in the blanket petition process is for a “petitioner” to file a Form I-129, Petition for Nonimmigrant Worker, at a Service Center. The petitioner must be a member of the company’s corporate family, but it need not be the parent nor the principal office. The petition should list the branches, subsidiaries, and affiliates that plan to transfer L-1’s under the blanket petition. The blanket petition must be accompanied by evidence establishing the following:

- The petitioner and each of the entities included in the L-1 blanket petition are engaged in

- commercial trade or services;
- The petitioner has an office in the United States that has been doing business for one year or more;
- The petitioner has three or more domestic and foreign branches, subsidiaries, or affiliates;
- The petitioner and the other qualifying organizations have done at least one of the following:
  - (a) obtained approval of petitions for at least ten “L” managers, executives, or specialized knowledge professionals during the previous 12 months;
  - (b) have United States subsidiaries or affiliates with combined annual sales of at least \$25 million;
  - (c) have a United States work force of at least 1,000 employees; and
- That all of the entities listed on the blanket petition are qualifying entities.

The blanket petition does not deal with the alien beneficiaries but instead deals only with the relationships between the entities in the corporate structure. The alien beneficiaries are dealt with separately in another proceeding that is described below. The approval of the initial blanket petition means that the Service has determined that the companies listed on the blanket petition are qualifying organizations. A qualifying organization listed in the approved L-1 Blanket Petition may not transfer an employee to or from a corporate entity not listed on the blanket petition. Additional organizations may be added to the blanket petition by the filing of an amended blanket petition. The petitioner will be notified of the approval of the blanket petition on Form I-797, Notice of Action. An alien seeking admission to the United States under the blanket L-1 will present the Form I-797 to the inspecting immigration officer.

### **Validity of an Approved Blanket Petition**

The initial validity of an approved blanket petition is three years. The petitioner is required to file for an indefinite extension of the blanket petition. If the petitioner fails to apply for an extension of the blanket petition, or the Service denies the extension, the petitioner may not file a new blanket petition for three years.

### **Admission under the Blanket Petition-Processing the Form I-129S**

Once the Service approves the blanket petition, the organizations listed on the petition can begin to use the petition to move personnel to the United States. This is accomplished by the submission of Form I-129S, Certificate of Eligibility for Intracompany Transferee Under a Blanket Petition, and three copies by an alien to a consular officer or, in the case of a visa exempt alien, to a service officer at a Port-of-Entry.

An organization listed on the approved blanket petition that wishes to transfer an alien to the United States must complete and submit a Form I-129S in an original and three copies. The organization must attach a copy of the Form I-797 relating to the approved blanket petition to the original and each copy of the Form I-129S. If the alien is visa exempt, the Form I-129S and the copies are presented to the inspecting officer at the time the alien makes application for admission to the United States. If the alien is eligible for L-1 classification, the inspecting officer should endorse all copies of the Form I-129S to note that the alien was admitted under a blanket L-1 petition. One copy of the endorsed Form I-129S

should be returned to the alien to be presented to the Service on future admissions. The other copies should be sent to the Service Center where the blanket petition was adjudicated.

If the alien requires a visa, the Form I-129S and the copies with the Form I-797 attached are presented to a consular officer when the alien applies for a visa. The consular officer determines if the alien is eligible for L-1 status. If so, the alien is issued an L-1 visa and the Form I-129S is endorsed by the consular officer to reflect that the alien is eligible for an L-1 blanket visa. The alien then presents both the L-1 visa and the endorsed Form I-129S to an immigration officer at a Port-of-Entry.

The Form I-129S must be submitted to the consular officer or immigration officer with evidence establishing that (1) the alien was employed in a qualifying capacity for 1 continuous year in the 3-year period of time preceding the alien's application for admission and (2) that he or she will be employed in a qualifying capacity for a United States company included in the blanket petition. For purposes of the L-1 Blanket Petition, a qualifying capacity means that the alien was employed as a manager, an executive, or as a specialized knowledge professional.

Pursuant to 8 CFR 214.2(l)(4)(ii), ONLY managers, executives, and specialized knowledge professionals as defined in 8 CFR 214.2(l)(1)(ii)(E) are eligible under the L-1 Blanket Petition. A specialized knowledge professional is an alien with specialized knowledge and who is a member of the professions as defined in section 101(a)(32) of the Act. Aliens possessing specialized knowledge who are not professionals are NOT eligible for L-1 classification under the L-1 Blanket Petition. A petitioner seeking to accord status to a non-professional alien with specialized knowledge must file an individual L-1 petition on the alien's behalf.

### **Period of Admission-Initial Entry**

An L-1 nonimmigrant initially seeking admission under a blanket petition may be admitted for a period of three years even though the initial validity of the blanket petition may expire before the end of the 3-year period. The validity period of the supporting blanket petition will be listed on the Form I-797. Inspectors should not limit an L-1 alien's initial admission to the United States to less than 3 years unless an issue arises concerning the validity of the alien's passport. The alien's passport must be valid in accordance with section 212(a)(7)(B)(i)(I) of the Act and IFM Appendix 15-2, unless an alien is passport exempt. An L-1 alien may not be admitted beyond the validity period of his or her passport.

### **Period of Admission-Subsequent Applications for Admission**

An L-1 alien may apply for admission to the United States during the validity period of the blanket petition. An L-1 alien may not be admitted for a period of time that exceeds the statutory limitations on L-1 stay in the United States. An L-1 alien who has spent either seven years in the United States in a managerial or executive capacity or five years in a specialized knowledge capacity may not be readmitted to the United States as an L-1 unless the alien has resided and been physically present outside the United States for the immediate previous year, except for brief visits for business or pleasure.

An L-1 alien who departs the United States and applies for admission to the United States is making a new application for admission to the United States. The L-1 Blanket Petition must also be valid at the time that the alien applies for a subsequent admission as an L-1 nonimmigrant. On subsequent applications for admission to the United States, inspecting officers must determine the length of time that the alien has previously been in the United States as an L-1 alien. In no case may the alien be admitted for a period of time in excess of three years on any individual (or subsequent application for) admission. In addition, on subsequent applications for admission the L-1 alien should present to the inspecting officer Form I-797, showing that the L-1 petition remains valid, and a Form I-129S. Of course, the normal passport and visa requirements for admission continue to apply on subsequent admissions to the United States.

If a determination is made that an alien is not eligible for L-1 classification under the blanket petition process, the alien's employer may file an individual L-1 in his or her behalf.

An L-1 may be readmitted to the United States even though reassigned to a different organization, provided that the organization has been approved by the Service as evidenced by the Form I-797.

### **Dual Intent**

An alien may legitimately come to the United States as an L-1 and, at the same time, lawfully seek to become a permanent resident of the United States provided that the alien intends to depart voluntarily at the end of his or her authorized stay. The filing of an application for or approval of a permanent labor certification, an immigrant visa preference petition, or the filing of an application for adjustment of status shall not be basis for denying an L-1 admission to the United States.

Should you have any questions regarding this memorandum, please contact Irene Hoffman, Office of Adjudications, at 202-353-8177 or Patrice Ward, Office of Inspections, at 202-514-3019.